

EXHIBIT 5

FILED UNDER SEAL

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 _____)
5 WAYMO LLC,)
6 Plaintiff,)
7 vs.) Case No.
8 UBER TECHNOLOGIES, INC.,)
9 OTTOMOTTO LLC; OTTO)
10 TRUCKING LLC,)
11 Defendants.)
12 _____)
13
14
15 HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY
16 VIDEOTAPED DEPOSITION OF GARY T. BROWN
17 San Francisco, California
18 Friday, March 24, 2017
19 Volume I
20
21
22
23 Reported by: SUZANNE F. GUDELJ
24 CSR No. 5111
25 Job No. 2577644
26 PAGES 1 - 65

1 that?

2 A Yes.

25

Q What is network traffic?

12:17:59

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1 A When activity occurs on devices that are on
2 Google's corporate network, our sensors pick up
3 information about that traffic, and those go into
4 our logs.

5 Q So what information was picked up about the 12:18:18
6 downloading of the 14,000 files?

7 A From the network traffic. Approximately 10
8 gigabytes of data was transferred from the IP
9 address and domain where the subversion server
10 relies -- resides to the work laptop of Anthony 12:18:46
11 Levandowski.

12 Q Did you consider that to be suspicious?

13 MR. HOLMES: Objection to form.

14 THE WITNESS: Potentially.

15 BY MR. GONZALEZ: 12:19:04

16 Q That fact by itself didn't make you to
17 think -- didn't make you think that he had done
18 anything improper, did it?

19 MR. HOLMES: Objection to form.

20 THE WITNESS: That fact by itself has other 12:19:15
21 factors around it that do make it suspicious.

22 BY MR. GONZALEZ:

23 Q Such as?

24 A Such as the searching for instructions on
25 how to access that server; such as the appearance of 12:19:27

16 Q With respect to Mr. Kshirsagar, Sameer, you
17 identify five documents in your declaration in
18 paragraphs 24 through 28. Do you see that?
19 A Yes.

1 reader that you want to look at on your computer,
2 right?

3 MR. HOLMES: Objection to form.

4 THE WITNESS: It's within the realm of
5 possibility.

6 BY MR. GONZALEZ:

12:40:37

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby
3 certify:

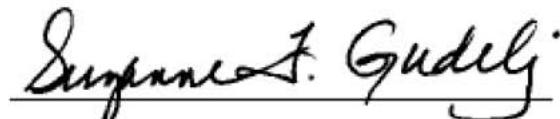
4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth;
6 that any witnesses in the foregoing proceedings,
7 prior to testifying, were duly sworn; that a record
8 of the proceedings was made by me using machine
9 shorthand which was thereafter transcribed under my
10 direction; that the foregoing transcript is a true
11 record of the testimony given.

12 Further, that if the foregoing pertains to
13 the original transcript of a deposition in a Federal
14 Case, before completion of the proceedings, review
15 of the transcript [] was [X] was not requested.

16 I further, certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21 Dated: 3/27/17

22 
23

24 SUZANNE F. GUDELJ
25

CSR No. 5111